MONTANA LEGISLATIVE HISTORY

Chapter 263 19 95

Bill H 384 S _____ Original bill & history ✓ C

H. Committee on FISH & GAME			S. Committee on FISH & GAME		
Hearing Date(s)	2/9	✓ C	Hearing Date(s)	3/7	✓ C
EXEC. ACTION	2/9	✓ C	EXEC. ACTION	3/14	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

different species from that native to the state of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section do not prohibit:

(a) the possession or transportation within the state of any legally taken fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof;

(b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds, game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110; or

(c) the possession, transportation, sale, or purchase of naturally shed antlers or the antlers with a skull or portion of a skull attached from a game animal that has died from natural causes and that has not been unlawfully or accidentally killed.

(3) It is unlawful for a person to possess or transport live fish away from the body of water in which the fish were taken, except:

(a) as provided in Title 87, chapter 4, part 6, or as specifically permitted in the laws of this state;

(b) for fish species approved by the commission for use as live bait and subject to any restrictions imposed by the commission; or

(c) within and along the boundaries of the eastern Montana fishing district, as established by the 1994-95 commission regulations.

~~(3)~~*(4)* ~~Any~~ *A* person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in 87-1-102."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved March 28, 1995

CHAPTER NO. 263

[HB 384]

AN ACT REVISING THE LAWS RELATED TO MANAGEMENT AND HUNTING OF BLACK BEARS; ESTABLISHING A FEE FOR A COMBINATION SPORTS LICENSE THAT INCLUDES A BLACK BEAR TAG; CLARIFYING THAT THE MEAT OF A BEAR INFECTED WITH TRICHINOSIS IS NOT CONSIDERED SUITABLE FOR FOOD; AMENDING SECTIONS 87-2-501, 87-2-701, 87-2-711, AND 87-3-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-2-501, MCA, is amended to read:

HB 380 INTRODUCED BY MCKEE, ET AL.

ESTABLISH THE EXTENDED JURISDICTION PROSECUTION ACT

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO JUDICIARY		
1/31	FISCAL NOTE REQUESTED		
2/06	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
2/14	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	97	3
2/21	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/27	REVISED FISCAL NOTE RECEIVED		
2/27	REVISED FISCAL NOTE PRINTED		
2/27	FIRST READING		
2/27	REFERRED TO JUDICIARY		
3/13	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	46	0
3/20	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	100	0
4/04	3RD READING AMENDMENTS CONCURRED	98	1
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/10	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 438		
	EFFECTIVE DATE: 04/14/95		

HB 381 INTRODUCED BY KNOX

AMEND PERMITTING AND ENFORCEMENT PROCEDURES FOR THE METAL MINE RECLAMATION LAWS

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO NATURAL RESOURCES		
1/31	FISCAL NOTE REQUESTED		
2/06	HEARING		
2/06	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
2/09	COMMITTEE REPORT—BILL PASSED		
2/11	2ND READING PASSED	97	0
2/13	3RD READING PASSED	98	0
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO NATURAL RESOURCES		
3/01	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/13	2ND READING CONCURRED	49	0
3/14	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/18	SIGNED BY PRESIDENT		
3/20	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		

CHAPTER NUMBER 204
EFFECTIVE DATE: 03/23/95—SECTIONS 1 & 6
EFFECTIVE DATE: 10/01/95—SECTIONS 2-5

HB 382 INTRODUCED BY PAVLOVICH, ET AL.

LIMIT LIABILITY OF A CITY OR TOWN FOR A DEFECT IN A SIDEWALK

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO JUDICIARY		
2/10	HEARING		
2/11	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE		
	DIED IN COMMITTEE		

HB 383 INTRODUCED BY ELLINGSON

ALLOW DEDUCTION OF FIRST $20,000 OF MARKET VALUE FROM OWNER-OCCUPIED RESIDENCES FOR PURPOSE OF VALUING PROPERTY FOR TAXES

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO TAXATION		
1/31	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/08	HEARING		
3/03	TABLED IN COMMITTEE		
3/29	MISSED TRANSMITTAL DEADLINE FOR 71ST DAY		
	DIED IN COMMITTEE		

HB 384 INTRODUCED BY REAM, ET AL.

REVISE LAWS RELATING TO MANAGEMENT AND HUNTING OF BLACK BEARS

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO FISH & GAME		
1/31	FISCAL NOTE REQUESTED		
2/06	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
2/09	HEARING		
2/10	COMMITTEE REPORT—BILL PASSED		
2/11	2ND READING PASSED	86	10
2/13	3RD READING PASSED	88	11
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO FISH & GAME		
3/07	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED		
3/18	2ND READING CONCURRED	46	0
3/20	3RD READING CONCURRED	48	2
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/23	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 263		
	EFFECTIVE DATE: 03/01/96		

HOUSE BILL NO. 384

INTRODUCED BY Rean Cremer

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATED TO MANAGEMENT AND HUNTING OF BLACK BEARS; ESTABLISHING A FEE FOR A COMBINATION SPORTS LICENSE THAT INCLUDES A BLACK BEAR TAG; CLARIFYING THAT THE MEAT OF A BEAR INFECTED WITH TRICHINOSIS IS NOT CONSIDERED SUITABLE FOR FOOD; AMENDING SECTIONS 87-2-501, 87-2-701, 87-2-711, AND 87-3-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-501, MCA, is amended to read:

"87-2-501. Class A-3, A-4, A-5, A-6, A-7--resident deer, elk, and bear licenses -- special Class A-7 resident and nonresident license requirements and preference. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk license only, who will be 12 years of age or older prior to September 15 of the season for which the license is issued ~~may~~, upon payment of the proper fee or fees, ~~be~~ is entitled to purchase one each of the following licenses at the prescribed cost, which will entitle the holder to pursue, hunt, shoot, and kill the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

(a) Class A-3, deer A tag, ~~$11 beginning March 1, 1992, and~~ $13 ~~beginning March 1, 1994~~;

(b) Class A-4, deer B tag, ~~$7 beginning March 1, 1992, and~~ $8 ~~beginning March 1, 1994~~;

(c) Class A-5, elk tag, ~~$13 beginning March 1, 1992, and~~ $16 ~~beginning March 1, 1994~~;

(d) Class A-6, black ~~or brown~~ bear tag, ~~$11 beginning March 1, 1992, and~~ $15 ~~beginning March 1, 1994~~;

(e) Class A-7, antlerless elk tag, ~~$13 beginning March 1, 1992, and~~ $16 ~~beginning March 1, 1994~~.

(2) (a) The holder of a Class A-7 antlerless elk license is entitled to take antlerless elk in areas designated by the commission and at ~~such~~ times and upon ~~such~~ terms that are ~~as~~ set forth by the commission.

(b) ~~No~~ A person may not take more than one elk during any license year, and a person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident elk tag. The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk permits.

(c) A nonresident shall hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.

(3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section ~~shall~~ must be issued, upon application, a Class A-7 license.

(4) An applicant who receives a Class A-7 license under subsection (3) may designate that the license be issued to an immediate family member or a person employed by the landowner. A corporation owning qualifying land under subsection (3) may designate one of its shareholders to receive the license.

(5) Fifteen percent of the Class A-7 licenses available each year under this section in a hunting district must be available to landowners under subsection (3)."

Section 2. Section 87-2-701, MCA, is amended to read:

"**87-2-701. (Temporary) Special licenses.** (1) ~~Any~~ An applicant who will be 12 years of age or older prior to September 15 of the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license ~~which~~ that, in the judgment of the department, is to be issued and shall pay the following fees ~~therefor~~:

(a) moose--resident, ~~$60 beginning March 1, 1992, and~~ $75 ~~beginning March 1, 1994~~; nonresident, ~~$450 beginning March 1, 1992, and~~ $475 ~~beginning March 1, 1994~~;

(b) mountain goat--resident, ~~$60 beginning March 1, 1992, and~~ $75 ~~beginning March 1, 1994~~; nonresident, ~~$450 beginning March 1, 1992, and~~ $475 ~~beginning March 1, 1994~~;

(c) mountain sheep--resident, ~~$60 beginning March 1, 1992, and~~ $75 ~~beginning March 1, 1994~~; nonresident, ~~$450 beginning March 1, 1992, and~~ $475 ~~beginning March 1, 1994~~;

(d) antelope--resident, ~~$9 beginning March 1, 1992, and~~ $11 ~~beginning March 1, 1994~~; nonresident, ~~$145 beginning March 1, 1992, and~~ $150 ~~beginning March 1, 1994~~;

(e) grizzly bear--resident, $50; nonresident, $300;

(f) black ~~or brown~~ bear--nonresident, $120.

(2) ~~In the event~~ If a holder of a valid special grizzly bear license kills a grizzly bear, ~~he~~ the person shall purchase a trophy license for a fee of $25 within 10 days after date of kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-701. (Effective March 1, 2006) Special licenses. (1) ~~Any~~ An applicant who will be 12 years of age or older prior to September 15 of the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license ~~which~~ that, in the judgment of the department, is to be issued and shall pay the following fees ~~therefor~~:

(a) moose--resident, $75; nonresident, $455;

(b) mountain goat--resident, $75; nonresident, $455;

(c) mountain sheep--resident, $75; nonresident, $455;

(d) antelope--resident, $11; nonresident, $130;

(e) grizzly bear--resident, $50; nonresident, $300;

(f) black ~~or brown~~ bear--nonresident, $100.

(2) ~~In the event~~ If a holder of a valid special grizzly bear license kills a grizzly bear, ~~he~~ the person shall purchase a trophy license for a fee of $25 within 10 days after date of kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department."

Section 3. Section 87-2-711, MCA, is amended to read:

"87-2-711. (Temporary) Class AAA--~~sportsman's~~ combination sports license. (1) ~~Any~~ A resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued~~,~~ is entitled to:

(a) upon payment of the sum of $54~~, beginning March 1, 1992, and $64 beginning March 1, 1994,~~ ~~shall be entitled to a~~ ~~sportsman's~~ a combination sports license ~~which shall permit~~ that permits the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, ~~A-6,~~ and resident conservation licenses as prescribed in 87-2-202; or

(b) upon payment of the sum of $64, a combination sports license that permits the holder to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department shall furnish each holder of a ~~sportsman's~~ combination sports license an appropriate decal. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

87-2-711. (Effective March 1, 2006) Class AAA--~~sportsman's~~ combination sports license. (1) ~~Any~~ A resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued~~,~~ is entitled to:

(a) upon payment of the sum of ~~$64~~ $54, ~~shall be entitled to a sportsman's~~ a combination sports license ~~which shall permit~~ that permits the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, ~~A-6,~~ and resident conservation licenses as prescribed in 87-2-202; or

(b) upon payment of the sum of $64, a combination sports license that permits the holder to exercise all rights granted in subsection (1)(a) and the additional rights granted to holders of a Class A-6 license.

(2) The department shall furnish each holder of a ~~sportsman's~~ combination sports license an appropriate decal."

Section 4. Section 87-3-102, MCA, is amended to read:

"**87-3-102. Waste of fish or game.** (1) A person who is responsible for the death of ~~a black or brown bear or~~ a mountain lion commits the offense of waste of game if ~~he~~ the person abandons the head or hide in the field.

(2) A person who is responsible for the death of a grizzly bear commits the offense of waste of game if ~~he~~ the person abandons the head or hide or any parts required by department or commission regulation for scientific purposes. All parts of a grizzly bear required by department or commission regulation for scientific purposes must be delivered to an officer or employee of the department for inspection as soon as possible after removal, and the department shall return to the licensee any bone structure and skull within 1 year upon written request. The hide must be returned immediately.

(3) A person responsible for the death of any game animal, except ~~grizzly, black, and brown bear and~~ a mountain lion~~,~~ commits the offense of waste of game if ~~he~~ the person:

(a) detaches or removes from the carcass only the head, hide, antlers, tusks, or teeth or any or all

~~of aforesaid~~ these parts;

(b) wastes any part of any game animal, game bird, or game fish suitable for food by transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(c) abandons in the field the carcass of any game animal or any portion of the carcass suitable for food.

(4) A person in possession of a game animal or game animal parts, game bird, or game fish suitable for food commits the offense of waste of game if ~~he~~ the person:

(a) purposely or knowingly transports, stores, or hangs the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(b) disposes of or abandons any portion of a game animal, game bird, or game fish that is suitable for food.

(5) For the purposes of this section, the meat of a grizzly or a black bear that is found to be infected with trichinosis is not considered to be suitable for food.

(6) A person convicted of waste of game ~~shall~~ may be fined not less than $50 or more than $1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both."

NEW SECTION. **Section 5. Code commissioner instruction.** Wherever the term "sportsman's license", meaning the license provided for in 87-2-111, appears in the Montana Code Annotated or in legislation enacted by the 1995 legislature, the code commissioner is directed to change the term to "combination sports license".

NEW SECTION. **Section 6. Effective date.** [This act] is effective March 1, 1996.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0384, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the laws relating to management and hunting of black bears; establishing a fee for a combination sports license that includes a black bear tag; clarifying that the meat of a bear infected with trichinosis is not suitable for food; and providing an effective date of March 1, 1996.

ASSUMPTIONS:

1. Based on harvest survey results, approximately 3,300 of the 17,630 hunters who purchased a resident wildlife conservation license in license year 1993 hunted black bear.
2. Hunters who purchased a resident license and did not hunt black bears (approximately 14,330) will purchased a wildlife conservation license at the reduced cost.
3. Expenditures to develop and print a new hunting license will not significantly exceed the costs to continue printing the current license. Any additional costs will be absorbed by the Department of Fish, Wildlife and Parks.

FISCAL IMPACT:

1. License revenue generated from the sale of resident licenses will decrease by $143,300 each year (state special revenue).
2. Hunters who wish to purchase a resident license, but who do not hunt black bear, will be able to do so at a reduced cost of $54, thereby saving $10.

Dave Lewis 2-3-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Bob Ream 2/6/95

BOB REAM, PRIMARY SPONSOR DATE

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN DOUG WAGNER**, on February 9, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)
Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)
Rep. Emily Swanson, Vice Chairman (Minority) (D)
Rep. Charles R. Devaney (R)
Rep. Jim Elliott (D)
Rep. Daniel C. Fuchs (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Dick Knox (R)
Rep. Rod Marshall (R)
Rep. Brad Molnar (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)
Rep. Paul Sliter (R)
Rep. Bill Tash (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 439, HB 348, HB 349, HB 384	
Executive Action:	HB 375	DO PASS AS AMENDED
	HB 339	TABLED
	HB 384	DO PASS
	HB 439	TABLED
	HB 122	DO PASS AS AMENDED
	HB 62	DO PASS AS AMENDED

an excess of $4 million. This money could be used to change FWP present operations to more futuristic operations. It was not his intent to micromanage the department. FWP and the commission would be allowed to make the decisions. **REP. RANEY** believed this was a good way to reorganize the department. HB 349 enhanced the value of private property as more wild fish were produced.

HEARING ON HB 384

Opening Statement by Sponsor:

REP. BOB REAM, House District 69, Missoula, said that historically not much attention has been paid to black bears and their management. HB 384 was the result of the completion of an Environmental Impact Statement. The word "brown" was stricken to reduce confusion. The black bear species had various color phases, including brown, blonde, and red. Expired dates in the current law were stricken. The combination big game sportsmen license was reorganized. HB 384 would give a person the option of obtaining the license with or without the black bear tag included. There would be a $10 reduction if the black bear tag was excluded. New language in Section 4 mandated that the whole bear must be used when harvested; only portions of the bear cannot be taken.

Proponents' Testimony:

Pat Graham, Director, FWP, distributed written testimony. As a result of a recent EIS, Montana's black bear management program was revised in 1994. HB 384 was proposed by the department to implement three of the elements of the revised program. **EXHIBIT 22**

Jean Johnson, Executive Director, Montana Outfitters and Guides Association, expressed support for the bill. She expressed concern over mandating the consumption of the entire bear after it was harvested, because of public perception.

{Tape: 3; Side: B; Approx. Counter: 000; Comments: Tape was turned over toward the end of Ms. Johnson's testimony.}

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. ELLIOTT referred to Section 1, lines 22-26, and asked **REP. REAM** if the cost of a black bear tag would increase. **REP. REAM** said no. In that section, the dates were being removed because they were unnecessary. The prices remained intact.

REP. KNOX asked **Mr. Graham** if a bear hunter could give away portions of the bear rather than use it all himself. **Mr. Graham** said yes. FWP did not want to see the bear carcass left in the woods.

CHAIRMAN WAGNER asked **Mr. Graham** why the word "grizzly" was stricken and how the meat would be utilized if a person could hunt them. He also asked about the inclusion of mountain lions. **Mr. Graham** said that regulations regarding mountain lions were being upgraded and would be made the same as the proposed changes to bear regulations. "Grizzly" was stricken because it was illegal to hunt grizzly bears.

CHAIRMAN WAGNER pointed out that in the section regarding fees, grizzly was left in. **Mr. Graham** commented the language regarding fees was left intact in the event a grizzly bear hunt was reinstated. If it was ever legal to harvest grizzly bears, the same rationale regarding the meat would apply. The meat could be used entirely by the hunter or donated to a charity organization. **CHAIRMAN WAGNER** understood that grizzly bear meat was inedible. **REP. HARPER** responded saying that he had eaten grizzly bear meat when he was a child, and it tasted fine. **CHAIRMAN WAGNER** asked **REP. HARPER** if "grizzly" should be included in the section regarding use of the meat. **REP. HARPER** did not believe it would make any difference.

CHAIRMAN WAGNER asked the reason it was being mandated to use the entire bear, whether it was due to the EIS or to public perception. **Mr. Graham** said it was due to public perception. FWP wanted to maintain bear hunting opportunities and public support for it. The new language discouraged illegal trapping and hunting bears solely for trophy purposes. The meat could even be used as dog food, just as long as the carcass was not left in the woods.

CHAIRMAN WAGNER asked how requiring the utilization of the meat would affect illegal harvesting. **Mr. Graham** said most people harvest the animal with the idea of utilizing the whole animal. This would provide an additional deterrent to those people harvesting a bear for only a part of it. Currently when people left the carcass of the bear in the woods, it was not against the law.

Closing by Sponsor:

REP. REAM said he has known people who had eaten grizzly bears, and it was not that different from black bear meat. The bill mandated that the bear carcass not be wasted; however, it even could be used for dog food. It did not mean the hunter had to consume the meat himself. He emphasized that in the past, most black bear hunting was opportunistic. A black bear tag was part of a combination license. Most people do not buy that license to specifically hunt a black bear. He urged passage of the bill.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

FISH & GAME COMMITTEE DATE FEB. 9, 1995

BILL NO. 384 SPONSOR(S) Ream, Crismore

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bill Alke	MT Audubon	X	
Pat Graham	FWP	X	
Tom Bulmi	Skyline Sports	X	
Stan Frasier	Self	X	
Larry Brown	Self		X
Jean D Johnson	MT Wool Growers	X	
Tony Schoonen	Myself	X	
BILL HOLDORF	SKYLINE SPORTSMEN	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **VICE-CHAIRMAN AL BISHOP** in the absence of **CHAIRMAN KEN MESAROS**, on March 7, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: Chairman Ken Mesaros

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 384, HB 375, HB 464
Executive Action: None

(Tape: 1; Side: A)

HEARING ON HB 384

Opening Statement by Sponsor:

REPRESENTATIVE BOB REAM, HD 69, MISSOULA, said he carried this bill at the request of the Department of Fish, Wildlife & Parks (DFWP). It resulted from a programmatic environmental impact statement (EIS) on black bear management.

REPRESENTATIVE REAM pointed out that the bill dealt specifically with black bears. Other changes on page 1 strike language no

longer effective. On page 3, Section 3 removed black bears from the combination sportsman's license and reduced the price of that license from $64 to $54, but left the option open for paying $64 to include black bear. The reason for the change was that most people buying the sportsman's license were not interested in hunting black bears.

On page 5 it clarified that the meat of grizzly or black bears was part of the harvest and could not be wasted by leaving it in the field.

Proponents' Testimony:

PAT GRAHAM, Director, DFWP, told the committee the bill was strongly supported by his department **(EXHIBIT #1).**

BILL ALLEN, Audubon Legislative Fund, supported the bill because it would allow DFWP to identify bear hunters and furnish educational material to them on black and grizzly bears **(EXHIBIT #2).**

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked why the effective date would be a year in the future. **Mr. Graham** said it coincides with the license year.

VICE CHAIRMAN AL BISHOP, SD #9, BILLINGS, commented that bear meat would have to be hauled out to be tested for trichinosis. He asked if there were any way to test the meat at the kill site. **Mr. Graham** said there is no problem with trichinosis if meat is properly cooked, but it is permissible to dispose of a carcass if it tests positive for trichinosis.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, asked why mountain lions were mentioned on line 29, page 4. **Mr. Graham** responded that a similar EIS process is being carried out for mountain lion and people are being asked if they use mountain lion meat.

Closing by Sponsor:

REPRESENTATIVE REAM stated that he liked the option under the combination license because it would hopefully reduce opportunistic shooting of black bears and illegal trading in wildlife. The image of hunting would also be enhanced if people use bear meat.

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE 3/07/95
BILL NO. HB 384

Montana Audubon Legislative Fund
P.O. Box 595 • Helena, MT 59624 • 443-3949

Testimony on HB 384
Senate Fish & Game Committee
March 7, 1995

Mr. Chairman and Members of the Committee,

My name is Bill Allen and I am here today on behalf of the Montana Audubon Legislative Fund and I urge your support for House Bill 384.

Currently, combination licenses in Montana include black bears. This bill would not automatically include black bears in future licenses unless the applicant specifies that they want to hunt black bears.

We support this bill because it allows the Department of Fish, Wildlife, and Parks to identify who the black bear hunters are. This is important because the Department can then focus its "bear hunter" education efforts on these hunters.

Our hope is that these educated hunters will be better able to differentiate black bears from grizzly bears which are presently classified as threatened on the Endangered Species list.

We also support this bill because it would require that bear meat be utilized. Audubon's concern has to do with the taking of particular bear parts which are valuable on the black market (Asian markets) while leaving the rest of the carcass.

Thank You

obtaining trophy body parts; and minimize illegal trafficking in bear body parts by requiring the meat to be utilized, unless found to be infected with trichinosis.

A change requiring mandatory use of meat was supported by a majority of the public for several reasons: the need to improve public perception of bear hunting, discourage opportunistic harvest and opposition to the waste of game meat.

Use of black bear meat is currently practiced by 74 percent of resident and 57 percent of nonresident black bear hunters. Mandatory use of bear meat would not be required if the meat was found to be infected with Trichinella. The Department will continue to provide a testing service for hunters to test bear meat for trichinella to reduce the risk of exposure to trichinosis from improperly prepared bear meat.

The change will also discourage the abandonment, disposal of, or handling of bear hides, heads or other body parts in a manner that renders them unusable as required by FWP Commission regulation for determining sex, age, or reproductive status.

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Thank You

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 14, 1995, at 3:30 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 433, HB 439
Executive Action: HB 375, HB 384, HB 433, HB 439, HB 464

{Tape: 1; Side: A}

Closing by Sponsor:

REPRESENTATIVE OHS said the amendments changed the bill from a law to a policy and the department was cooperative in working it out. He urged support of HB 439.

EXECUTIVE ACTION ON HB 439

Motion:

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, MOVED TO CONCUR IN HB 439.

Vote:

THE MOTION TO CONCUR IN HB 439 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE. SENATOR BOB PIPINICH, SD #29, MISSOULA, OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 375

Motion:

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, MOVED TO CONCUR IN HB 375.

Vote:

THE MOTION TO CONCUR IN HB 375 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE AND SENATOR CRISMORE OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 384

Motion:

SENATOR CRISMORE MOVED TO CONCUR IN HB 384.

Vote:

SENATOR PIPINICH VOTED NAY ON THE MOTION TO CONCUR IN HB 384; THE REMAINDER OF THE COMMITTEE VOTED AYE AND THE MOTION CARRIED. SENATOR CRISMORE OFFERED TO CARRY THE BILL ON THE FLOOR.

EXECUTIVE ACTION ON HB 464

ANDREA MERRILL, Legislative Council Staff, told the committee there was an amendment from DFWP that read: On page 2, line 24, strike "and any fish pond license number."

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL DATE 3/14/95

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN	X		
WILLIAM CRISMORE	X		
JOHN HERTEL	X		
KEN MILLER	X		
MIKE SPRAGUE	X		
GARY FORRESTER	X		
JUDY JACOBSON	X		
TERRY KLAMPE	X		
BOB PIPINICH	X		
AL BISHOP, VICE CHAIRMAN	X		
KEN MESAROS, CHAIRMAN	X		

SEN:1995
wp.rollcall.man
CS-09